

UNITED STATES DISTRICT COURT
District of Minnesota

NMT Medical, Inc and Children's Medical
Center Corporation

JUDGMENT IN A CIVIL CASE

V.

Case Number: 04-4200 JNE/SRN

Cardia, Inc

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Cardia's Motion for Summary Judgment is GRANTED.
2. Plaintiffs' Motion for Summary Judgment of Infringement and No Invalidity is DENIED.
3. Cardia's Intrasept devices do no infringe, either literally or under doctrine of equivalents, Claims 1-5 or 12 of the '235 patent.
4. Plaintiffs' Complaint is DISMISSED WITH PREJUDICE.

August 30, 2006

Date

RICHARD D. SLETTEN, CLERK

s/Mary Kaye Conery

(By) Mary Kaye Conery

Deputy Clerk